

REMARKS

Summary of the Office Action

Claims 11-15 were pending in the above-identified patent application.

The Examiner has found the previously filed oath or declaration defective and required a new oath or declaration in compliance with 37 CFR 1.67(a). As a result, claims 11-15 have been rejected as being based on a defective reissue oath under 35 U.S.C. § 251. In accordance with 37 CFR 1.175(b)(1), the Examiner has also required submission of a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1).

The Examiner has indicated that the previously filed amendments to the claims do not comply with 37 CFR 1.173(b). In addition, the Examiner has noted that this reissue application has not yet incorporated the changes made by a Certificate of Correction to the original patent, U.S. Patent No. 5,365,282, on April 25, 1995.

Finally, the Examiner has indicated that pending claims 11-15 are allowable over the prior art of record.

Applicant's Reply

Applicant notes with appreciation the indication of allowable subject matter in claims 11-15.

The Examiner has found the previously filed oath or declaration defective and required a new oath or declaration in compliance with 37 CFR 1.67(a). In particular, in the February 2, 2009 Office Action ("Office Action"), the Examiner found the declaration filed September 18, 1996 to be defective because "it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be 'material to patentability as defined in 37 CFR 1.56.'" See Office Action,

page 2. Accordingly, applicant has submitted herewith a new Reissue Application Declaration by the Inventor containing the express language cited by the Examiner. Applicant submits that the new declaration is in compliance with 37 CFR 1.67(a), and respectfully requests that the rejection of claims 11-15 be withdrawn.

The Examiner has indicated that the previously filed amendments to the claims do not comply with 37 CFR 1.173(b). In particular the Examiner asserts that (1) language deleted from the original patent claims must be single bracketed, (2) any limitation added to the original patent claims must be shown as underlined, and (3) when canceling original claims, the canceled claim language must be enclosed in brackets. Applicant has amended claim 11 in accordance with the requirements of 37 CFR 1.173(b) (2). However, applicant notes that there is no requirement to enclose the claim language of canceled claims in brackets. See MPEP § 1453(II)(C). As such, applicant has canceled original claims 1-10 without presenting these patent claims surrounded by brackets. Accordingly, applicant respectfully submits that the presently filed amendments comply with 37 CFR 1.173(b).

The Examiner has noted that this reissue application has not yet incorporated the changes made by a Certificate of Correction to the original patent, U.S. Patent No. 5,365,282, on April 25, 1995. Accordingly, applicant has amended the specification herein to incorporate the changes made by the Certificate of Correction.

In accordance with MPEP § 1414.01, applicant has submitted herewith a Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175).

Conclusion

For at least the reasons set forth above, applicant respectfully submits that this application, as amended, is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

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